

**COUNTY COUNCIL OF CECIL COUNTY
LEGISLATIVE SESSION MINUTES
LSD 2015-22
November 17, 2015**

The County Council of Cecil County met in legislative session at the County Administration Building, 200 Chesapeake Blvd., Elk Room, Elkton, MD. The following members of the Council were present:

Robert Hodge, Council President
Dr. Alan McCarthy, Vice President
Joyce Bowlsbey, Council Member
Dan Schneckenburger, Council Member
George Patchell, Council Member

NOTE: Audio recording of this meeting is available on the County website www.ccgov.org.

CALL TO ORDER

The meeting of the County Council of Cecil County of November 17, 2015 was called to order by President Hodge at 7:00 p.m. and opened with the Pledge of Allegiance.

MOMENT OF SILENCE

President Hodge led the Council in a moment of silence.

APPROVAL OF AGENDA

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve the revised legislative agenda of November 17, 2015. Motion carried unanimously.

SPECIAL PRESENTATION

Ben Samans and Jared Schrader, members of the Bohemia Manor High School, presented information about their Band Boosters Group, which are raising funds to purchase a travel trailer for the band's use.

PUBLIC HEARINGS

Council Manager Massey stated for the record:

Bill No. 2015-26 Budget Amendment - Capital Budget - Calvert Regional Park - Jimmy Hans Wild Foundation

A Bill to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for the fiscal year ending June 30, 2016 in order to increase budget authority within the Approved General Fund Parks and Recreation Capital Improvement Program budget by a total of \$20,000 to include a private donation by the Jimmy Hans Wild Foundation towards the basketball courts component of the Calvert Regional Park Project.

Notice of the public hearing was published on November 4, 2015 and November 11, 2015.

Al Wein, Director of Administration, provided a summary of this legislation.

There were no questions or comments from Council Members.

Council President Hodge opened the public hearing for public comments.

Harold McCanick, Elk Neck, provided comments.

Council President Hodge concluded the public hearing on Bill No. 2015-26 and announced that final consideration of this Bill will be held on December 1, 2015.

Council Manager Massey stated for the record:

Resolution No. 58-2015 Approval - Solid Waste Management Plan 2016-2025

A Resolution to approve the Solid Waste Management Plan 2016-2025, which also includes the Recycling Plan, planning period 2016-2025.

Al Wein, Director of Administration, provided a summary of this legislation.

There were no questions or comments from Council Members.

Council President Hodge opened the public hearing for public comments.

Joe Carabetta, Perryville, provided comments.

Council President Hodge concluded the public hearing on Resolution No. 58-2015 and announced that final consideration of this Resolution will be held on December 1, 2015.

APPROVAL OF MINUTES

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve the legislative session minutes of November 3, 2015 as presented. Motion was carried unanimously.

PUBLIC COMMENTS

Meghan Pugh, Cecilton, thanked the Council for support of the public school budget, which resulted in more special education support for homeless children at Cecilton Elementary School.

Sarah Matthews, Earleville, thanked the Council for support of the public school budget and commented on the improvements that have been funded.

Andy Parke, Earleville, thanked the Council for support of the public school budget and commented on resources given to his son with learning disabilities.

Allyson Veasey, Elkton, thanked the Council for support of the public school budget, which resulted in better security at Chesapeake City Elementary School.

Ed Oceanic, Cecilton, thanked the Council for support of the public school budget, which has helped children at the Clairvaux Farm where he works.

Joe Carabetta, Perryville, commented on the Paris terrorist incident, a resolution to prohibit Syrian refugees in US until they are vetted, firearm training for youth, and wished all a Happy Thanksgiving. Diane Carabetta, Perryville, commented on her tour of the School of Technology, possible environmental hazards at the school, the Farm Museum, and wished all a Happy Thanksgiving. Harold McCanick, Elk Neck, commented on the Bohemia Manor High School Band Boosters presentation, public schools close on Veterans Day, Calvert Park, and County support for Parks and Recreation and Bassmasters event.

PRESIDENT AND COUNCIL COMMENTS

Councilman Schneckenburger thanked the audience for attending and expressed his appreciation for school teachers. He commented on the success of the Bassmasters event and that the County's only support was through VLT grants and not taxpayers. Councilman Schneckenburger also commented on the economic value of Calvert Park to Cecil County.

Councilwoman Bowsbey had no comments.

Councilman Patchell commented on the Rope to Stop Dope event to be held on November 21.

Vice President McCarthy had no comments.

Council President Hodge reminded the public that Saturday, November 28, is Small Business Saturday and urged citizens to shop and support local businesses.

INTRODUCTION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 61-2015 Appointment - Commission on Aging

A Resolution to confirm the County Executive's appointment of Nicole Meekins, Ginny Jackson, and Miles Dean, and the reappointment of Lois Sutherland to the Cecil County Commission on Aging, term to expire on June 30, 2017.

There were questions or comments.

Introduced, read first time, order posted on November 17, 2015 and scheduled for consideration on December 1, 2015.

Council Manager Massey stated for the record:

Resolution No. 62-2015 Amendment - Personnel Policies and Procedures

A Resolution to amend certain sections of the Cecil County Personnel Policies and Procedures, Section HR-02B Employment Types, Section HR-03A Pay Structures; Section HR-04A Payroll Period; Section HR-04B Overtime, Section HR-04C Holiday Pay; Section HR-04D Shift Differential; HR-012C Definitions; and Glossary.

Donna Nichols, Director of Human Resources, reviewed the legislation. Questions and comments ensued.

Introduced, read first time, order posted on November 17, 2015 and scheduled for public hearing on December 15, 2015.

CONSIDERATION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 54-2015 Approval - Critical Area Growth Allocation - Recovery Centers of America Earleville

A Resolution to approve the Growth Allocation request of 314 Grove Neck LLC by re-designating 40 acres of 276.589 acres of land, located at 314 Grove Neck Road, Earleville, from Resource Conservation Area (RCA) to Limited Development Area (LDA) with conditions in order to allow the development of Bracebridge Hall as a drug and alcohol abuse and treatment recovery center, to be known as the Recovery Center of America - Earleville.

The Bill was introduced on October 6, 2015 and public hearing held on November 3, 2015.

Council Manager Massey stated for the record:

AMENDMENT NO. 1 TO RESOLUTION NO. 54-2015

Introduced by: Council President on behalf of the County Executive.

On page 2, line 25, insert the following:

WHEREAS, the property was properly awarded Growth Allocation for a golf course development known as "Bracebridge Hall" by the Cecil County Board of Commissioners on December 2, 2008, and approved by the Chesapeake and Atlantic Bays Critical Area Commission on September 2, 2009; and

WHEREAS, pursuant to Section 205(7) of the Cecil County Zoning Ordinance, the prior Growth Allocation award is null and void and the 40 acres of Growth Allocation were recaptured by the County.

On page 2, line 28, delete "49-bed facility" and insert "150-bed facility".

On page 3, line 53, insert "a swimming pool, meditation building"

On page 3, line 54, insert the following: all as depicted by the Growth Allocation Concept Plan submitted with the application subject to a shift of the meditation building landward to address Critical Area Commission staff comments"

Eric Sennstrom, Director of Planning and Zoning, answered questions about this legislation.

On motion made by Councilman McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Amendment No. 1 to Resolution No. 54-2015.

Roll call vote: McCarthy - Y, Bowsbey - Y, Schneckenburger - Y, Patchell - Y, Hodge - Y. The motion was carried unanimously.

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Resolution No. 54-2015 as amended.

Roll call vote: McCarthy - Y, Bowsbey - Y, Schneckenburger - Y, Patchell - Y, Hodge - Y. The motion was carried unanimously.

Council Manager Massey stated for the record:

Resolution No. 60-2015 Appointments—Bainbridge Development Corporation Board of Directors
A Resolution to confirm the reappointment of Raymond Hamm, Mario Gangemi, and Joseph Brant and the appointment of James Reynolds, Carl Roberts and Matthew Roath to the Bainbridge Development Corporation terms to expire in October 31, 2019.

The Resolution was introduced on November 3, 2015.

There were no questions or comments on this legislation.

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Resolution No. 60-2015.

Roll call vote: McCarthy - Y, Bowsbey - Y, Schneckenburger - Y, Patchell - Y, Hodge - Y. The motion was carried unanimously.

CALL FOR FINAL READING OF BILLS

Council Manager Massey stated for the record:

Bill No. 2015-20 Approval - Agricultural Preservation District - Quiet Acres Farm
A Bill to approve the petition of Quiet Acres Farm, Inc. and John W. Loller for property located at 1306 Middle Neck Road, Warwick, MD 21912,(Tax Map 53, Grid 24, Parcel 10) requesting the establishment of an agricultural preservation district.

The Bill was introduced on October 6, 2015 and public hearing held on November 3, 2015.

There were no questions or comments on this legislation.

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Bill No. 2015-20.

Roll Call Vote: McCarthy-Y, Bowsbey-Y, Schneckenburger-Y, Patchell-Y, Hodge-Y.
The motion was carried unanimously.

Council Manager Massey stated for the record:

Bill No. 2015-21 Budget Amendment - Capital Budget - 107 Chesapeake Blvd
A Bill to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for the fiscal year ending June 30, 2016 that will increase bond budget authority within the Approved General Fund Capital Improvement Program budget by \$7,300,000 in order to purchase the property known as 107 Chesapeake Boulevard, Elkton, Maryland for the purpose of providing financial savings versus the existing rental arrangement.

The Bill was introduced on October 6, 2015 and public hearing held on November 3, 2015.

Winston Robinson, Director of Finance, provided details on this legislation.

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Bill No. 2015-21.

Roll Call Vote: McCarthy-Y, Bowsbey-Y, Schneckenburger-Y, Patchell-Y, Hodge-Y.
The motion was carried unanimously.

Council Manager Massey stated for the record:

Bill No. 2015-22 Budget Amendment - Wastewater Capital Budget - Principio Sanitary Sewer-North and Mobile Package Waste Water Treatment Plant Project

A Bill to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for the fiscal year ending June 30, 2016 in order to increase bond budget authority within the Wastewater Capital Budget by a total of \$1,400,000 in order to complete the Construct Principio Sanitary Sewer – North Project – 55018 (\$200,000) and to initiate the Mobile Package Waste Water Treatment Plant Project – 55069 (\$1,200,000).

The Bill was introduced on October 6, 2015 and public hearing held on November 3, 2015.

Council Manager Massey stated for the record:

**AMENDMENT NO. 3
TO BILL NO. 2015-22**

Introduced by: Council President on behalf of County Executive

On page 1, under Synopsis, line 3, delete "total of \$1,400,000" and insert "total of \$400,000".

On page 1, under Synopsis, lines 4-5, delete "and to initiate the Mobile Package Waste Water Treatment Plant Project - 55069 (\$1,200,000)" and insert "and to eliminate the proposed \$1,200,000 increase in funding to the Mobile Package Waste Water Treatment Plant Project and to rename and change the scope of the Mobile Package Plant Project to Renovate Port Deposit Waste Water Treatment Plant Project; and provide \$200,000 of additional funding to complete the Washington Street Pumping Station Upgrade Phase II - 55029".

On page 2, lines 8 - 9, substitute "\$400,000 and revise a project description" for "\$1,400,000"

On page 2, line 11, substitute "rename Mobile Package Waste Water Treatment Plant to Renovate Port Deposit Waste Water Treatment Plant Project; and" for the Mobile Waste Water Treatment Plant - \$1,200,000.

On page 2, line 12 insert c) Increase funding for the Construct Washington Street Pump Station Upgrades, Phase II by \$200,000."

On page 2, lines 16-20, delete in its entirety and insert the following:

"WHEREAS, the Port Deposit Wastewater Treatment Plant project was originally budgeted at \$1,200,000, and was proposed through Bill No. 2015-25 to require an additional \$1,200,000 in funding to complete the project as specified using a mobile package plant, and it has been determined that it is preferable to implement a solution to renovate the treatment plant including possible repair or replacement of the steel tank thus eliminating the need for \$1,200,000 in additional funding; and

WHEREAS, the Washington Street Pump Station Upgrades, Phase II project was originally budgeted at \$450,000, and DPW has recommended that the projected cost should be increased to \$650,000 as the bids for the project have exceeded the engineer's estimate thus creating the need for additional funding to move forward in awarding the project."

On page 2, line 24, delete "total of \$1,400,000: and insert "total of \$400,000".

On page 2, line 25, delete "to initiate the Mobile Package Waste Water Treatment Plant Project - 55069 (\$1,200,000)." and insert "to rename and change the scope of the Mobile Package Waste Water Treatment Plant Project to Renovate Port Deposit Waste Water Treatment Plant Project, and provide \$200,000 of additional funding to complete the Washington Street Pump Station Upgrades - Phase II - 55029."

On motion made by Vice President McCarthy, seconded by Councilman Schneckeburger, the Council moved to approve Amendment No. 3 to Bill No. 2015-22

Roll Call Vote: McCarthy-Y, Bowsbey-Y, Schneckeburger-Y, Patchell-Y, Hodge-Y. The motion was carried unanimously.

Council President Hodge and Vice President McCarthy provided additional comments.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Bill No. 2015-22 as amended.

Roll call vote: McCarthy - Y, Bowsbey - Y, Schneckeburger - Y, Patchell - Y, Hodge - Y. The motion was carried unanimously.

Council Manager Massey stated for the record:

Bill No. 2015-23 Budget Amendment - Roads and Bridges Capital Improvement Program - Red Toad Road/Route 40 Intersection and Reservoir Road Culverts

A Bill to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for the fiscal year ending June 30, 2016 in order to increase bond budget authority within the Approved General Fund Roads and Bridges Capital Improvement Program budget by a total of \$720,000 in order to complete the Red Toad Road at Route 40 Intersection Improvements Project – 52684 (\$325,000) and the Replace Reservoir Road Culverts Project – 52685 (\$395,000).

The Bill was introduced on October 6, 2015 and public hearing held on November 3, 2015.

Council Manager Massey stated for the record:

**AMENDMENT NO. 1
TO BILL NO. 2015-23**

Introduced by: Council President on behalf of County Executive.

On page 1, under Synopsis, line 7, insert the following "and decrease \$200,000 of bond authority from the Lums Road Street Improvements Project (52213) and increase by \$200,000 the Replacement of Mechanics Valley Road Bridge over Northeast Creek Project (52656)."

On page 2, line 9, delete "two" and insert "four"

On page 2, lines 12, insert the following: c) \$200,000 decrease to the Lums Road Street Improvements Project – 52213, and d) \$200,000 increase to the Replacement of Mechanics Valley Road Bridge over Northeast Creek Project – 52656;

On page 2 insert the following at line 22:

"**WHEREAS**, the Replacement of Mechanics Valley Road Bridge over Northeast Creek Project was advertised and bid in October/November and which resulted in several competitive bids, the lowest responsible bidder exceeded the initial cost estimate by \$200,000; and

"**WHEREAS**, the Lums Road Street Improvements Project has just begun engineering/design and DPW has determined that it is the best interest of the County to defer \$200,000 of cost to FY2017 and reduce the cost in FY2016.

On page 2, line 27, insert the following: "and reduce Lums Road Street Improvements Project - 52213 by \$200,000 and increase Replacement of Mechanics Valley Road Bridge over Northeast Creek Project - 52656 by \$200,000 in order to complete the latter project." for "52685 (\$395,000)."

Scott Flanigan, Director of Public Works, provided additional information on this legislation. Questions and comments ensued.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Amendment No. 1 to Bill No. 2015-23.

Roll call vote: McCarthy - Y, Bowsbey - Y, Schneckenburger - N, Patchell - Y, Hodge - Y. The motion was carried by a vote of 4 to 1. Councilman Schneckenburger was opposed.

Vice President McCarthy made a motion to remove Red Toad Road/Route 40 Intersection from the legislation. This motion died by lack of second.

Vice President McCarthy made a motion to approve Bill No. 2015-23 as amended. This motion died by lack of second.

On motion made by Councilman Patchell, seconded by Councilman Schneckenburger, the Council moved to remove Reservoir Road Culverts from the legislation.

**AMENDMENT NO. 2
TO BILL NO. 2015-23**

Introduced by: Councilman Patchell

On page 1, under Synopsis, line 3, delete " \$720,000" and insert "\$325,000".

On page 1, under Synopsis, line 5, delete "and the Replace Reservoir Road Culverts Project #52685 (\$395,000)".

On page 2, line 9, delete "two" and insert "three".

On page 2, line 11, delete the following:

"b) \$395,000 for the Replace Reservoir Road Culverts Project - 52685".

On page 2, lines 17-21, delete in entirety.

On page 2, line 25, delete "\$720,000" and insert "\$325,200".

On page 2, line 26-27, delete the following:

"the Replace Reservoir Road Culverts Project 52685 (\$395,000)."

Roll call vote: McCarthy - N, Bowsbey - N, Schneckenburger - Y, Patchell - Y, Hodge - Y. The motion was carried by a vote of 3 to 2. Vice President McCarthy and Councilwoman Bowsbey were opposed.

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Bill No. 2015-23 as amended.

Roll call vote: McCarthy - Y, Bowsbey - Y, Schneckenburger - Y, Patchell - Y, Hodge - Y. The motion was carried unanimously.

Council Manager Massey stated for the record:

Bill No. 2015-24 Fees- Transfer of Interest in Land - First Time Home Buyers

A Bill to exempt first time home buyers from the fees charged for the transfer of an interest in land; which had been 25% of the consideration identified in the deed or other instrument recorded with the Clerk of Court for Cecil County.

The Bill was introduced on October 6, 2015 and public hearing held on November 3, 2015.

There were no comments or questions.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Bill No. 2015-24.

Roll call vote: McCarthy - Y, Bowsbey - Y, Schneckenburger - Y, Patchell - Y, Hodge - Y. The motion was carried unanimously.

Council Manager Massey stated for the record:

Bill No. 2015-25 Bond Authorization - General Obligation Bonds - Public Facilities

Synopsis: An Act authorizing and empowering Cecil County, Maryland, from time to time, to borrow not more than Thirty Seven Million One Hundred Eighty Thousand Dollars (\$37,180,000) for the purpose of financing the costs of certain public facilities in Cecil County described herein, and to effect such borrowing by the issuance and sale of its general obligation bonds in one or more series; empowering the County Executive to execute and deliver one or more executive orders prior to issuing the bonds in order to fix, prescribe and determine the details of the bonds and the issuance and sale thereof; empowering and directing the County to levy ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds from the provisions of Sections 19-205 and 19-206 of the Local Government Article of the Annotated Code of Maryland (2013 Replacement Volume), or successor provision; authorizing the County to issue and sell bond anticipation notes in one or more series pursuant to the authority of Sections 19-211 through 19-221, inclusive, of the Local Government Article of the Annotated Code of Maryland (2013 Replacement Volume), or successor provision, prior to and in anticipation of the sale of the bonds; providing that the County may issue and sell all or any portion of the bonds as bonds the interest on

which is not excludable from gross income for federal income tax purposes; and relating generally to the issuance and sale of such bonds.

The Bill was introduced on October 6, 2015 and public hearing held on November 3, 2015.

Council Manager Massey stated for the record:

**AMENDMENT NO. 1
TO BILL NO. 2015-25**

Introduced by Council President on behalf of County Executive.

On page 2, line 7, delete "\$37,180,000" and insert "\$36,180,000".

On page 2, line 15, delete "Thirty Seven Million" and insert "Thirty Six Million".

On page 2, line 16, delete "\$37,180,000" and insert "\$36,180,000".

On page 2, line 18, delete "Thirty Seven Million One Hundred Eighty Thousand Dollars (\$37,180,000)" and insert "Thirty Six Million One Hundred Eighty Thousand Dollars (\$36,180,000)".

Al Wein, Director of Administration, provided details on the legislation. Questions and comments ensued.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Amendment No. 1 to Bill No. 2015-25.

Roll call vote: McCarthy - Y, Bowsbey - Y, Schneckenburger - Y, Patchell - Y, Hodge - Y. The motion was carried unanimously.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Bill No. 2015-25 as amended.

Roll call vote: McCarthy - Y, Bowsbey - Y, Schneckenburger - Y, Patchell - Y, Hodge - Y. The motion was carried unanimously.

OLD BUSINESS

Rezoning Case 2015-06 213 Farms LLC

File No. 2015-06; Applicant: 213 Farms LLC; Location: East side of route 213 at northeast corner of Williams Road and Route 213; Request: To rezone 6 acres from Low Density Growth/ Business General (LDS/BG) to Business General (BG); Election District 2; Tax Map: 38; Parcel: 539; Present Zoning: LDR/BG; Requested Zoning: BG

On motion by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to disapprove the application of 213 Farms LLC to rezone 6 acres from low density growth/business general to business general due to there being no mistake in the zoning classification of the property during the last comprehensive rezoning.

Roll call vote: McCarthy - Y, Bowsbey - N, Schneckenburger - Y, Patchell - Y, Hodge - N. The motion was carried by a vote of 3 to 2. Council President Hodge and Councilwoman Bowsbey were opposed.

NEW BUSINESS

Cecil County Public Schools - Budget Amendment #23

On motion made by Councilwoman Bowsbey, seconded by Vice President McCarthy, the Council moved to approve budget amendment #23.

Roll call vote: McCarthy - Y, Bowsbey - Y, Schneckenburger - Y, Patchell - Y, Hodge - Y. The motion was carried unanimously.

ADJOURNMENT

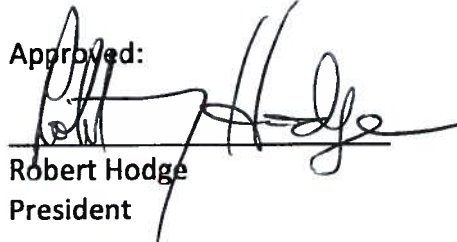
President Hodge adjourned the meeting at 9:40 p.m. by general consensus.

The next Council Legislative Session is scheduled for Tuesday, December 1, 2015 in the Elk Room of the County Administration Building, 200 Chesapeake Blvd., Elkton, Maryland.

Attest:


James Massey, Council Manager

Approved:


Robert Hodge
President

